

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KEIKO TANAKA,
Petitioner,

v.

JACOMA MONTFORD,
Respondent.

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* Civil Action File
* No.: 1:23-cv-2580-MHC
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**RESPONDENT'S ANSWER TO VERIFIED COMPLAINT
FOR RETURN OF CHILD**

Comes now, JACOMA MONTFORD, Respondent in the above styled matter and files this his Answer to Verified Expedited Petition, and show this Honorable Court as follows:

AFFIRMATIVE DEFENSES

**THE MOTHER CONSENTED TO AND ACQUIESCED TO THE CHILD
LIVING IN THE UNITED STATES**

Pursuant to Article 13(a) of the Convention provides that “the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that - the person, institution or other body having the care of the person

of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention.”

The Parties had several conversations both before and after the minor child came to the United States about both minor children coming to the United States permanently. The Petitioner consented to the child coming the United States prior to, and once here, the Petitioner acquiesced to the child remaining here.

GRAVE RISK OF HARM IF THE CHILD IS RETURN

Pursuant to Article 13(b) of the Convention, the judicial authority may refuse to order the return of the Child if “there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.” If the Child is returned to Japan, he will be exposed to physical and psychological harm.

ANSWER

1.

Denied.

2.

Paragraph 2 of Petitioner’s Petition requires no legal response from the

Respondent.

3.

Admitted.

4.

Admitted.

5.

Paragraph 5 requires no legal response from the Respondent.

6.

Admitted.

7.

Admitted.

8.

Paragraph 8 requires no legal response from the Respondent.

9.

Admitted.

10.

Admitted.

11.

Admitted. Father further shows the Court that the Parties discussed the filing for divorce.

12.

Admitted.

13.

Admitted.

14.

Father admits that the Child was raised in Japan. Father denies that the Child only resided with Mother and that Mother was the primary caregiver.

15.

Father admits that the Child was a habitual resident of Japan prior to July 27, 2022. Father denies that he has wrongfully retained the child.

16.

Father admits that the Child was a habitual resident of Japan prior to July 27, 2022. Father denies that he has wrongfully retained the child.

17.

Father admits that the Child was a habitual resident of Japan prior to July

27, 2022. Father denies that he has wrongfully retained the child.

18.

Admitted.

19.

Admitted.

20.

Admitted.

21.

Denied.

22.

Denied.

23.

Denied.

24.

Father is without sufficient information to either admit or deny the allegations in Paragraph 24 of Petitioner's Petition.

25.

Denied.

26.

Denied.

27.

Denied.

28.

Denied.

29.

Denied.

30.

Denied.

31.

Admitted.

32.

Admitted.

33.

Denied as to the wrongful retention.

34.

Denied.

35.

Denied.

36.

Denied.

37.

Denied.

38.

Father is without sufficient information to admit or deny the allegations in Paragraph 38 of the Petitioner's Petition.

39.

Father is without sufficient information to admit or deny the allegations in Paragraph 38 of the Petitioner's Petition.

40.

Admitted

41.

Paragraph 41 requires no legal response from the Respondent.

42.

Denied.

43.

Denied.

44.

Denied.

45.

Denied.

46.

Admitted.

47.

Admitted.

48.

Requires no legal response.

49.

Requires no legal response.

50.

Requires no legal response.

51.

Denied.

52.

Denied.

53.

Requires no legal response.

54.

Denied.

55.

Denied.

56.

Requires o legal response.

57.

Requires no legal response.

WHEREFORE, Respondent respectfully requests the following relief:

- a) That the Court deny Petitioner's Verified Expedited Petition;
- b) That this Court issue and Order directing Petitioner to pay Respondent's legal costs, fees, and expenses; and
- c) That this Court grant any such further relief as justice may require.

Respectfully submitted, this 31st day of July, 2023,

s/ Patricia D. Shewmaker, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on July 31 , 2023, I electronically filed the foregoing Notice of Appearance with the Clerk of Court using the CM/ECF system, which automatically notifies all counsel of record.

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Respectfully submitted, this 31st day of July, 2023,

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